

United States Senate

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FCC Mailroom

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Mr. Steven Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Mr. Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Administrator Dickson and Chairman Pai:

I write to request that the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) work together to promptly approve an extension of all relevant and pending commercial UAS licenses to use frequencies in the industrial, scientific, and medical (ISM) bands, including but not limited to UAS operating in the 902-928 MHz and 2.4 GHz frequencies and at 400 ft. or more above ground level. It is vital that your agencies coordinate to deliver a swift resolution that provides operational safety, certainty and flexibility that supports the development of the Unmanned Aircraft Systems industry in New York and across the nation. The company requesting license renewal will see their license expire on January 31, thus prompt approval is needed to prevent the UAS operator from being grounded.

I sent a letter to FAA Administrator Dickson on October 22, 2019 with this request, as well, because the FCC, the main issuer of the licenses in question, defers wholly to the FAA on matters affecting the safety of aircraft. The FAA response dated December 16, 2019 states, "the FCC has the authority and responsibility to decide whether to continue to grant temporary license renewals in these circumstances." Further conversations with FCC staff have revealed that in these particular circumstances, the FCC will heed the decision of the FAA. This sort of bureaucratic finger-pointing and failure to coordinate is frustrating and counterproductive. Therefore, I strongly urge that both of your agencies work in lock-step instead of shuttling license renewal requests between agencies to promptly approve this license. It is past time to get on the same page and make a common sense decision to promote safety and coherent development of UAS operators in the industry.

Furthermore, I would like to express my continued frustration that the technical merits of the issue are being lost on the FAA. The FAA has expressed concerns regarding long-term use of the ISM bands for UAS C2 operations flying above 400 ft. The December 16 FAA reply letter states, "to utilize these bands, significant mitigations will be necessary, such as altitude restrictions,

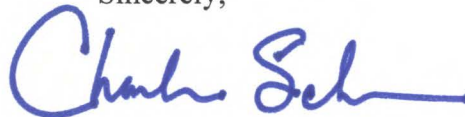
or a combination of lost link procedures.” The UAS are too large to fly under 400 ft.; however in my original October 22 letter, I noted that the operator in question has three redundancies in the event of a lost link during test procedures: 1) the use of the other frequency (i.e. switching from 902 MHz to 2.4 GHz), 2) the UAS is programmed to land at a pre-designated safe spot so that it can be retrieved, and 3) the UAS is programmed to return home. These procedures have been reiterated to the FAA time and time again, including by the company, but to my knowledge have yet to be addressed on their merits.

Finally, I would remind you that the company does not seek long-term use in the 902-928 MHz and 2.4 GHz frequencies for flying above 400 ft.; they merely request an extension until commercial equipment is available for the 5030-5091 MHz spectrums that the FAA has proposed for this use—and for which the FAA acknowledges there is not yet any commercial equipment.

Again, I strongly urge both of you to prioritize solving this challenge and to work together to cut through the bureaucratic red tape that is holding back the issuance of the pending licenses and impeding growth of industry operators. Please coordinate together to swiftly grant a temporary renewal or extension of the UAS licenses at hand and work with the UAS industry to address this frequency issue going forward.

Thank you for your prompt attention to this matter, given the pending license expiration this month. Should you have any questions, please do not hesitate to contact me or my staff.

Sincerely,



Charles E. Schumer
United States Senator